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Our Ref: 24/01912/COUNOT  
**Decision Date: 7 February 2025**

To Whom it may concern,

## **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AS AMENDED**

APPLICATION NO: 24/01912/COUNOT

PROPOSAL: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an agricultural building into two dwellings.

LOCATION: Church Farm Heath Road Mistley Manningtree

Thank you for your notification on the above matter which was received on 23 December 2024 and made valid on 23 December 2024 and was allocated the reference **24/01912/COUNOT**.

I can now advise you that this proposal will **not** require prior approval of the Local Planning Authority.

The proposal constitutes permitted development as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and may therefore be carried out providing that it is wholly in accordance with the legislation.

### Conditions

#### 1 COMPLIANCE - TIME LIMIT

Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### 2 COMPLIANCE - APPROVED PLANS / DETAILS

The development must be carried out (b) where prior approval is not required, or where subparagraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the Local Planning Authority and the developer

agree otherwise in writing.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### 3 COMPLIANCE - CONSTRUCTION METHOD STATEMENT

The Construction Method Statement accompanying the application shall be adhered to throughout the demolition and construction phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity and highway safety.

### 4 WATCHING BRIEF

CONDITION: If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

### 5 CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and layout is provided.

## **INFORMATIVES:**

### Essex Coast Recreational disturbance Avoidance & Mitigation Strategy:

Under article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permitted development rights are subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). In particular, regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority (LPA) under regulation 77.

It has already been determined that where there is a net increase in residential dwellings within the Zone of Influence of protected European sites this will have a significant effect on those European sites through recreational disturbance within Tendring, and this has been identified as an issue for all of the Essex coastal Habitat sites through published Habitats Regulations Assessments. Therefore, where permitted development rights under the GPDO permit development which will result in a net increase in residential dwellings, article 3(1) of the GPDO and regulations 75 to 78 of the 2017 Regulations will apply.

Prior to the commencement of the development which is the subject of this prior approval determination an application must be made to the LPA under regulation 77 of the 2017 Regulations for the approval of the LPA before the development can be commenced. Mitigation has been agreed through The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) to protect the integrity of these sites from this type of development, and a standard unilateral undertaking (UU) could secure payment to mitigate the harm arising from the development to the designated site before commencement. Please contact Tendring District Council to make an application under Regulation 77 of the 2017 Regulations and to arrange the required UU prior to commencement of the development.

## **ASBESTOS**

At any time during demolition and construction, in the event of asbestos being found present on the site or in the current buildings, suitable measures should be carried out for the minimisation of asbestos fibres so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Any redundant materials removed from the site shall be transported by a registered waste carrier and disposed of at an appropriate legal tipping site. Only contractors licensed by the Health and Safety Executive should be employed. Reason - To protect the health workers and end users of the site.

## **Highways Informatives**

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

ii) The development should be in accordance with the 2024 Essex Parking Guidance and Essex Design Guide.

iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

iv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development.

All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

The public's rights and ease of passage over public footpath no. 4 (Mistley\_176) shall be maintained free and unobstructed at all times. Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

Foul Drainage: The application advises the utilisation of a Sewerage Treatment Plant for the disposal of foul waste, we would request the standard informative be added to any subsequent approval - we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK ([www.gov.uk](http://www.gov.uk)). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

### **Habitats and Species Regulations Informative**

If the development relates to the creation of new dwelling(s), under Use Classes G, H, M, MA, N, O, P, PA, Q then:

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The Council's rationale for the decision is set out within the officer report available via our Public Access system.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Pateman-Gee', with a long horizontal flourish extending to the right.

John Pateman-Gee  
Head of Planning and Building Control  
Planning Services